



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

24 ज्येष्ठ 1940 (श10)

(सं0 पटना 565) पटना, बृहस्पतिवार 14 जून 2018

श्रम संसाधन विभाग

अधिसूचना

5 जून 2018

एस०ओ० 187, दिनांक 14 जून 2018—श्रम एवं रोजगार मंत्रालय, भारत सरकार द्वारा स्टार्टअप (Startup) ईकाईयों को बढ़ावा दिये जाने एवं देश में रोजगार एवं अवसर को विकसित करने हेतु सभी राज्य सरकारों को निदेश दिया गया है। स्टार्टअप (Startup) ईकाईयों को राज्य में स्थापित किये जाने से राज्य में व्यापार सरलीकरण, रोजगार के अवसर विकसित होने एवं नये युवा उद्यमियों को प्रोत्साहित किये जाने के संदर्भ में एक सकारात्मक वातावरण तैयार करेगा। राज्य में स्थापित होने वाले नये स्टार्टअप (Startup) ईकाईयों को निर्वाध रूप से संचालन हेतु विशेष सहायता एवं पोषण की आवश्यकता है।

2. श्रम संसाधन विभाग, बिहार द्वारा श्रम एवं रोजगार मंत्रालय, भारत सरकार एवं औद्योगिक नीति एवं संवर्द्धन विभाग की अनुषंसाओं के आलोक में स्टार्टअप (Startup) ईकाईयों कतिपय शर्तों के साथ विभिन्न श्रम अधिनियमों के अन्तर्गत निरीक्षण से छूट एवं निर्धारित वार्षिक विवरणी के स्थान पर स्व अभिप्रमाणित विवरणी दाखिल करने की अनुमति (जो पूर्व में केन्द्रीय परिदृश्य में श्रम सुविधा पोर्टल के माध्यम से किया जाता था) प्रदान किया जाना है।

3. औद्योगिक नीति एवं संवर्द्धन विभाग, भारत सरकार (DIPP, GOI) द्वारा स्टार्टअप (Startup) ईकाईयों के रूप में स्थापित हुए/हो रहे वैसे औद्योगिक प्रतिष्ठानों को परिभाषित किया गया है, जो “देश में कम से कम पाँच वर्षों से निबंधित अथवा संस्थापित हो तथा जिनकी वार्षिक turn-over विगत किसी वित्तीय वर्ष में 25 करोड से अधिक न हो तथा ऐसी संस्थाए तकनीकी एवं बौद्धिक संपदा द्वारा संचालित होकर नये उत्पादों प्रक्रियाओं अथवा सेवाओं के खोज अथवा विकास के क्षेत्र में कार्य कर रहे हो” के द्वारा वार्षिक विवरणी दाखिल करने, ऐसे प्रतिष्ठानों

में निरीक्षण की कार्रवाई करने एवं स्वअभिप्रमाणित विवरणी दाखिल करने के प्रावधान को राज्य सरकार द्वारा अंगीकृत एवं इन्हें विनियमित करने का निदेश दिया गया है।

5. **Startups** प्रतिष्ठानों को औद्योगिक नीति एवं संवर्द्धन विभाग, भारत सरकार (DIPP, GOI) द्वारा परिभाषित किया गया है एवं इन्हें भारत सरकार द्वारा निर्गत **Recognition number** प्राप्त होना चाहिए।

6. औद्योगिक नीति एवं संवर्द्धन विभाग, भारत सरकार (DIPP, GOI) की अनुशंसाओं एवं राज्य सरकार द्वारा निर्गत अधिसूचनाओं तथा परिपत्रों के आलोक में राज्य सरकार DIPP, भारत सरकार द्वारा **Startups** के रूप में परिभाषित एवं **Recognition number** प्राप्त प्रतिष्ठानों के लिए निम्न सात श्रम अधिनियमों :—

- (I) औद्योगिक विवाद अधिनियम, 1947
 - (II) श्रमिक संघ अधिनियम, 1926
 - (III) भवन एवं अन्य सन्निर्माण कर्मकार कल्याण (नियोजन एवं सेवा शर्त विनियमन) अधिनियम, 1996
 - (IV) औद्योगिक नियोजन (स्थायी आदेश) अधिनियम, 1946
 - (V) अन्तराज्यीय प्रवासी कर्मकार (नियोजन एवं सेवा शर्त विनियमन नियमावली), 1979
 - (VI) उपादान भुगतान अधिनियम, 1972
 - (VII) ठेका मजदूर (वि० एवं अ०) अधिनियम, 1970
- के अन्तर्गत निम्न प्रावधान अधिनियमित करती है:—

- (i) स्टार्टअप (**Startup**) ईकाईयों के स्थापना के प्रथम वर्ष में ठेका मजदूर (वि० एवं अ०) अधिनियम, 1970, उपादान भुगतान अधिनियम, 1972, अन्तराज्यीय प्रवासी कर्मकार (नियोजन एवं सेवा शर्त विनियमन नियमावली), 1979 एवं भवन एवं अन्य सन्निर्माण कर्मकार कल्याण (नियोजन एवं सेवा शर्त विनियमन) अधिनियम, 1996 के अन्तर्गत इनका निरीक्षण नहीं किया जाएगा तथा इन्हें संलग्न प्रपत्र i, ii, iii, iv में **online self declaration** समर्पित करना होगा।
- (ii) स्टार्टअप (**Startup**) ईकाईयों की स्थापना के दूसरे वर्ष से लेकर पांचवें वर्ष तक इनके प्रतिष्ठान में निरीक्षण तभी किया जाएगा जब ऐसे प्रतिष्ठानों में श्रम अधिनियमों के अवहेलना की विश्वसनीय एवं सत्यापनीय (**Verifiable**) शिकायत प्राप्त होता हो तथा साथ ही ऐसे निरीक्षण की अनुमति श्रमायुक्त, बिहार द्वारा दी गई हो।

7. स्वअभिप्रमाणित विवरणी की एक प्रति श्रम संसाधन विभाग, बिहार को एवं संबंधित क्षेत्र के निरीक्षी पदाधिकारी को उपलब्ध कराया जाएगा।

8. स्टार्टअप (**Startup**) ईकाईयों को केन्द्रीय श्रम अधिनियमों के अन्तर्गत निर्धारित प्रक्रिया के अनुरूप वार्षिक विवरणी दाखिल करना होगा।

9. कारखाना अधिनियम, 1948 की धारा 2 (cb) के प्रावधानों के अन्तर्गत आने वाले परिसंकटग्रस्त कारखानों (**Hazardous**) एवं धारा 87 के प्रावधानों के अन्तर्गत आने वाले खतरनाक श्रेणी के कारखानों (**Dangerous operation**) पर स्टार्टअप (**Start up**) लागू नहीं होगा।

(सं० 1/एफ०1-109/2016 श्रं०सं०-3771)

बिहार-राज्यपाल के आदेश से

सतीश कुमार शाही,

सरकार के अवर सचिव।

Annexure-I
SELF-CERTIFICATION
THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970

I/We, Mr./ Miss. _____ of _____ <entity name> address _____ hereby certify that I/We am/are the authorized representative of the Occupier/ Proprietor/ Partner/ Director/Employer/Principal Employer/Contractor of the establishments/factories/entity. The Registration Number of the entity is _____. We have been recognized by DIPP as a “Startup” and the Startup recognition number allotted by DIPP is _____.

I/We hereby certify that the above mentioned establishments/factories/entity have fully and correctly complied with the all the provisions of the contract labour (Regulation and Abolition) Act, 1970 and the rules made thereunder during the year _____, including the following:

| Sr. No. | Section/ Rule No. | Section Name | Yes/No/NA |
|---------|-------------------|---|-----------|
| 1. | 7 (1) | Registration of certain establishment/Licensing of Contractors (S.12) | |
| 2. | 9 | Effect of non-registration | |
| 3. | 10 | Prohibition | |
| 4. | 16 | Canteens | |
| 5. | 17 | Rest-rooms | |
| 6. | 19 | First-aid- facilities | |
| 7. | 20 | Liability of principal employer in certain cases | |
| 8. | 21 | Responsibility for payment of wages | |
| 9. | 29 | Registers and other records to be maintained | |
| 10. | R-79 | Display of Notices/ Abstracts and Rules | |

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that

I subject myself liable for legal prosecution in the event that the above facts are found to be false. (Yes/No) _____.

I agree that in case of any non-compliance/violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard. (Yes/No) _____

I agree to furnish proof of such compliances as and when required by the respective authorities. (Yes/No) _____

Place:-

Date:-

Deponent-

Annexure-II
SELF-CERTIFICATION
THE PAYMENT OF GRATUITY ACT, 1972

I/We, Mr./ Miss _____ of _____ <entity name> address _____ hereby certify that I/We am/are the authorized representative of the Occupier/Proprietor/ Partner/Director/Employer/Principal Employer/Contractor of the establishments/factories/ entity. The Registration number of the entity is _____. We have been recognized by DIPP as a “Startup” and the Startup recognition number allotted by DIPP is _____.

I/We hereby certify that the above mentioned establishments/factories/entity have fully and correctly complied with the all the provisions of The Payment of Gratuity Act, 1972 and the rules made thereunder during the year _____, including the following:

| Sr. No. | Section/ Rule No. | Section Name | Yes/No/NA |
|---------|-------------------|---|-----------|
| 1. | 4 (1) | Payment of Gratuity | |
| 2. | 4 (2) | Payment of Gratuity | |
| 3. | 4A (1) | Compulsory Insurance | |
| 4. | 4A (3) | Compulsory Insurance | |
| 5. | 4A (5) | Compulsory Insurance | |
| 6. | 6 (7) | Safe custody of nomination | |
| 7. | 7 (2) | Determination of the amount of gratuity | |
| 8. | 7 (3) (3A) | Determination of the amount of gratuity | |
| 9. | 7 (4) (a) | Determination of the amount of gratuity | |
| 10. | R-3 | Notice of opening, change or closure of the establishment | |
| 11. | R-4 | Display of Notice | |
| 12. | R-20 | Display of the Abstract of the Act and Rules | |

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that

I subject myself liable for legal prosecution in the event that the above facts are found to be false. (yes/No) _____

I agree that in case of any noncompliance/violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard. (Yes/No) _____.

I agree to furnish proof of such compliances as and when required by the respective authorities. (Yes/No) _____

Place:-

Date:-

Deponent-

Annexure-III
SELF-CERTIFICATION
THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOTMENT
AND CONDITIONS OF SERVICE) ACT, 1979

I/We, Mr./ Miss. _____ of _____ <entity name> address _____ hereby certify that I/We am/are the authorized representative of the Occupier/ Proprietor//Partner/Director/Employer/Principal Employer/Contractor of the establishments/ factories/entity. The Registration number of the entity is _____. We have been recognized by DIPP as a “Startup” and the Startup recognition number allotted by DIPP is _____.

I/We hereby certify that the above mentioned establishments/factories/entity has fully and correctly complied with the all the provisions of The Inter-State Migrant Workman (Regulation of Employment and condition of service) Act, 1979 and the rules made there under during the year _____, including the following.

| Sr. No. | Section/ Rule No. | Section Name | Yes/No/NA |
|---------|-------------------|--|-----------|
| 1. | 4 (1) | Registration of certain establishments/Licensing of Contractors (sec.8). | |
| 2. | 6 | Prohibition against employment of Inter- State migrant workmen without registration. | |
| 3. | 12 | Duties and Obligations of contractors. | |
| 4. | 13 | Wage rates and other conditions of service of Inter- State migrant workmen. | |
| 5. | 14 | Displacement allowance. | |
| 6. | 15 | Journey allowance etc. | |
| 7. | 16 | Other facilities. | |
| 8. | 17 (1) | Responsibility for payment of wages. | |
| 9. | 17 (2) | Responsibility for payment of wages. | |
| 10. | 17 (3) | Responsibility for payment of wages. | |
| 11. | 21 | Inter State Migrant Workmen to be deemed to be in employment from the date of Recruitment. | |
| 12. | 23 | Registers and other records to be maintained. | |
| 13. | R-54 | Display of Abstracts and Rules. | |
| 14. | R-55 | Display of Notices. | |

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that

I subject myself liable for legal prosecution in the event that the above facts are found to be false. (Yes/No) _____

I agree that in case of any non-compliance/violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard. (Yes/No) _____

I agree to furnish proof of such compliances as and when required by the respective authorities. (Yes/No) _____

Place:-

Date:-

Deponent-

Annexure-IV

SELF-CERTIFICATION

THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996

I/We, Mr./ Miss. _____ of _____ <entity name> address _____ hereby certify that I/We am/are the authorized representative of the Occupier/Proprietor/Partner/ Director/Employer/Principal Employer/Contractor of the establishments/factories/entity. The Registration number of the entity is _____. We have been recognized by DIPP as a “Startup” and the startup recognition number allotted by DIPP is _____.

I/We hereby certify that the above mentioned establishments/factories/entity has fully and correctly complied with the all the provisions of The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the rules made there under during the year _____ including the following.

| # | Section/ Rule No. | Section Name | Yes/No/NA |
|-----|-------------------|--|-----------|
| 1. | 7 (1) | Registration of establishments | |
| 2. | 7 (2) | Registration of establishments | |
| 3. | 7 (4) | Registration of establishments | |
| 4. | 12 | Registration of Building Workers as Beneficiaries | |
| 5. | 13 | Issue of identity cards | |
| 6. | 14 | Contribution of Building Workers | |
| 7. | 28 (1) | Hours of work, Welfare Measures and other conditions of service of building workers | |
| 8. | 29 | Wages for overtime work | |
| 9. | 30 (1) | Maintenance of registers and records | |
| 10. | 30 (2) | Maintenance of registers and records | |
| 11. | 31 | Prohibition of employment of certain persons in certain building or other construction work. | |
| 12. | 32 | Drinking water | |
| 13. | 33 | Latrines and urinals | |
| 14. | 34 | Accommodation | |
| 15. | 35 | Crèches | |
| 16. | 36 | First-aid | |
| 17. | 38 | Safety committee and safety officers | |
| 18. | 39 (1) | Notice of certain accidents | |
| 19. | 44 | Responsibility of employers | |
| 20. | 45 | Responsibility for payment of wages and compensation | |
| 21. | 46 (1) | Notice of commencement of building or other construction work. | |
| 22. | 46 (2) | Notice of commencement of building or other construction work. | |
| 23. | R-241 | Issue of wage book, service certificate. | |

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that

I subject myself liable for legal prosecution in the event that the above facts are found to be false, (yes/No) _____.

I agree that in case of any noncompliance/violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard. (Yes/No) _____.

I agree to furnish proof of such compliances as and when required by the respective authorities. (Yes/No)_____.

Place:-

Date:-

Deponent-

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
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